

Notice of Allowability

Application No.

10/694,108

Examiner

Nelson D. Hernández

Applicant(s)

STAVELY ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/19/2007.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20071220.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20071220</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |



LIN YE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on November 19, 2007. Claims 1-4, 6, 10, 18, 21, 23 and 25 have been amended.

Drawings

2. Figure 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert J. Brill on December 18, 2007.

The application has been amended as follows:

In page 11, ¶ 52, the Specifications is amended to recite:

Embodiments of the above-described system or methodology that are implemented in memory 406 (FIG. 4) may be implemented using any suitable computer-readable medium. In the context of this specification, a "computer-readable medium" can be any means that can store, ~~communicate, propagate, or transport~~ the data associated with, used by or in connection with the instruction execution system, apparatus, and/or device. The computer-readable medium can be, for example, but not limited to, ~~an electronic, magnetic, optical, electromagnetic, infrared, or a semiconductor system, apparatus, or device, or propagation medium~~ now known or later developed.

Allowable Subject Matter

4. **Claims 1-25** are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, that the processor divides the preview image into a coarse grid and compares the coarse grid against a number of pre-stored grid patterns to determine a

best match with one of the pre-stored grid patterns associated with a corresponding one of the image composition templates.

Regarding claim 10, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, automatically selecting an image composition template by the digital camera corresponding to the determined nature of the preview image through employment of tile scene analysis algorithm to divide tile preview image into a coarse grid and compare tile coarse grid against a number of pre-stored grid patterns for determination of a best match with one of the pre-stored grid patterns associated with a corresponding one of the image composition templates; and displaying the selected image composition template concurrently with the preview image.

Regarding claim 21, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, means for selecting an image composition template corresponding to the determined nature of the preview image through employment of the scene analysis algorithm to divide the preview image into a coarse grid and compare the coarse grid against a number of pre-stored grid patterns for determination of a best match with one of the pre-stored grid patterns associated with a corresponding one of the image composition templates; and means for displaying the selected image composition template concurrently with the preview image.

Regarding claim 25, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of

the present claim, selecting an image composition template by the image capturing device corresponding to the determined nature of the preview image through employment of the scene analysis algorithm to divide the preview image into a coarse grid and compare the coarse grid against a number of pre-stored grid patterns for determination of a best match with one of the pre-stored grid patterns associated with a corresponding one of the image composition templates.

It is noted that the deletion of the of the embodiments in the Specifications rendering **claim 25** to be rejected under 35 U.S.C. 101 as a disavowal of the deleted subject matter in order to remove said embodiments from the scope of **claim 25**.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández
Examiner
Art Unit 2622

NDHH
December 20, 2007



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SUPERVISORY PATENT EXAMINER